IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

AND

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 1008 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11.04.2005 in W.P.No.7989 of 2005 on the file of the High Court.)

Between:

Nayi Brahman Sangham rep. By Narayana Kondagattu, Muthyampet (V), Malyal (M), Karimnagar District.

..... APPELLANT/R-3

AND

1. Jada Savarala Sangham, Regd.No.JNDY/59/75, Savarala Basthi, Srinivasanagar, Parsigutta Road, Secunderabad-500 061 (Petitioner)
2. The Executive Officer, Sri Anjaneya Swamy Temple, Kondagattu, Muthyampet (V), Malyal (M), Karimnagar District. (R-1)
3. The Commissioner, Endowments Department, Ramkote, Hyderabad. (R-2)
4. The Principal Secretary to Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad (R-4).

.....RESPONDENTS

Counsel for the Appellant: Mr.A.Sudershan Reddy & Mr.G.Madhusudhan Reddy

Counsel for the Respondent No.1: Mr. A.SRINIVASA RAO

Counsel for the Respondent No.2: K.RAVI SC FOR ENDOWMENTS

Counsel for the Respondent No.3: GP FOR ENDOWMENTS

Counsel for the Respondent No.4: G.P. FOR REVENUE

The Court made the following:

JUDGMENT: (Per Sri GR, J)

The appeal is directed against the order of this Court dated 11-04-2005 in W.P.No.7989 of 2005 whereby the learned Single Judge directed the second respondent herein to put the leasehold rights in respect of the human hair of Sree Anjaneya Swamy Temple, Kondagattu Muthyampet Village, Malyala Mandal, Karimnagar District to public auction in respect of the year 2005-06, within four weeks from the date of receipt of a copy of the order of the learned Single Judge and that till such time status-quo should be maintained. The appellant herein claimed to have been granted the leasehold rights for two years from 01-04-2005 to 31-03-2007 at Rs.10,05,000/- per annum by a proceeding of the third respondent dated 31-03-2005. Admittedly, by the proceedings dated 31-03-2005, the lease was granted to the appellant without a public auction. There is nothing on record which indicates the basis on which the lease amount has been determined. The amount received from grant of the licence for

the sale of human hair offered at the temple constitutes income of the endowments/religious institution. The respondents 2 to 4 exercise statutory functions to preserve, maintain and manage the endowments property. Nothing in the statutory charter enables mismanagement of the endowments/religious institutions by the Government or its agents. It is a well settled principle that in respect of the contracts of public authorities, a transparent method such as a public auction or a tender process should be adopted as an administrative arrangement. The proceedings of the third respondent dated 31-03-2005 granting licence in favour of the appellant herein is in violation of such established procedure and must, therefore, succumb to the injunctions of Article 14 of the Constitution of India.

The order of the learned Single Judge directing public auction for grant of licence to collect and sell human hair at Sri Anjaneya Swamy Temple, is impeccable and warrants no interference. There are no merits. Writ Appeal is dismissed.

_____ (GODA RAGHURAM, J)

_____ (Dr.G.YETHIRAJULU, J)

03.05.2005

dr/skm

To

1. The Executive Officer, Sri Anjaneya Swamy Temple, Kondagattu, Muthyampet (V), Malyal (M), Karimnagar District. (R-1)

2. The Commissioner, Endowments Department, Ramkote, Hyderabad. (R-2)

3. The Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad (R-4).

4. 2CCs to the G.P. for Endowments, High Court Buildings, Hyderabad (OUT).

5. 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. 2CD copies.